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To: Attorney Brian E. Devilling

13128635099

Attn: Beer v. Travelers Home and Marine Ins Co
Case No. 3:19-cv-00306-wmc

No. of Pages including this one: 33



Knoke, Ingebritsen & Kind
Attorneys Since 1970

Attorneys:
Gregory E. Knoke
Jeffrey C. Ingebritsen
Peter J. Kind

1904 10th Street • P.O. Box 620 • Monroe, WI 53566 • Phone: 608.325.7137 • Fax: 608.329.6610

November 1, 2019

VIA FACSIMILE & U.S. MAIL

Attorney Brian E. Devilling
Foran Glennon Palandech Ponzi & Rudloff PC
222 North LaSalle Street, Suite 1400
Chicago, Illinois 60601

Re: *Beer v The Travelers Home and Marine Ins. Co.*
Case No. 3:19-cv-00306-wmc

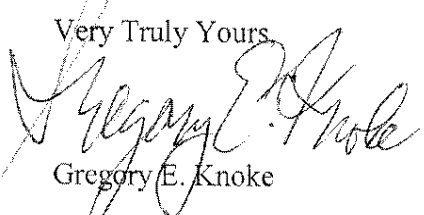
Dear Attorney Devilling:

Enclosed please find our disclosure of expert witnesses naming Daniel Doucette and David Miller together with their reports in accordance with the Court's scheduling order.

As to your request to submit a settlement proposal, our clients' property continues to suffer from the lack of prompt attention to the damages caused by the hailstorm. They have now spent well in excess of \$20,000.00 on attorney fees and expert witness fees. They are unable to comprehend how Travelers, a company they trusted to protect their home, was unwilling to follow the dictates of their own contract. They believe they have a significant claim for bad faith given your clients' awareness of similar cases in the industry which have ruled in favor of the insured on the appraisal feature of other companies' policies as well as Travelers' policy.

I believe the facts of the case and the opinion of our two experts will support a substantial bad faith award. At this point, I think we simply need to let the process play out.

Very Truly Yours,


Gregory E. Knoke

GEK/rmb

Enclosure

Cc: Larry and Sharon Beer

**IN THE UNITED STATEMENT DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

Larry Beer and Sharon Beer)	
)	
Plaintiffs,)	Case No. 3:19-cv-00306-wmc
)	
v.)	
)	
The Travelers Home and Marine)	
Insurance Company,)	
)	
Defendant.)	
)	

PLAINTIFFS' NOTICE OF EXPERT WITNESSES

Now comes Plaintiffs' through their attorney, Gregory E. Knoke, of Knoke, Ingebritsen & Kind Law Offices and hereby discloses the following expert witnesses:

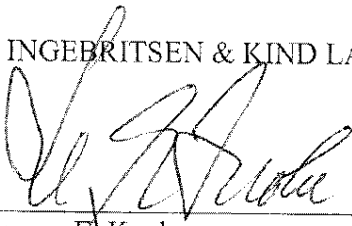
EXPERT WITNESSES

1. David Miller
Miller Public Adjusters, LLC
518 S. Westland Drive Street
Appleton, WI 54914-300
Report dated October 31, 2019, attached as Exhibit 1.
2. Daniel R. Doucette, President
Doucette & Associates
16800 W. Greenfield Avenue, Suite 124
Brookfield, WI 53005
Report dated October 31, 2019, attached as Exhibit 2.
3. Herb Virella
Miner & East LLC
1400 Jeffrey Drive
Addison, IL 60101
Mr. Virella is the appraiser for Travelers Home and Marine Insurance Company. He will be called to testify as to his appraisal report. As he is not our expert, we are not able to produce any report other than his appraisal report which is already attached as Exhibit D to the Complaint.

Dated this 1st day of November, 2019.

KNOKE, INGEBRITSEN & KIND LAW OFFICES

BY:



Gregory E. Knoke
State Bar No. 1013426
Attorney for Plaintiffs

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P. O. Box 620
Monroe, WI 53566
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EXPERT REPORT OF DAVID F. MILLER

This expert report issued October 31, 2019 regarding the dwelling located at and the repairs necessary to restore all property to its similar pre-loss condition and appearance.

I. Opinions

The following are my opinions regarding the property damage to the dwelling and garage located at 610 10th Street Fenimore, WI, caused by and resulting from hail damage that occurred on March 23rd, 2017. The basis and reasons for these opinions, data, and other information that I considered in forming these opinions, are identified in Section III of this report.

- a. Exhibit A to my report is the estimate drafted by the insurance company's appraiser and myself after our inspection. This estimate is based on the amount of loss we determined that was caused by hail to the dwelling and garage on March 23, 2017.
- b. It is my opinion that the estimate attached as Exhibit A reflects the projected repairs of the reasonable and necessary costs to repair or replace the hail-related damage to the dwelling, and garage, using like kind and quality materials, in order to restore the dwelling and garage to pre-loss condition and appearance.
- c. As reflected in the estimate attached as Exhibit A, the replacement cost value of the loss to the dwelling and garage is \$71,950.84, and the actual cash value of the loss is \$60,362.96.
- d. Exhibit B is an appraisal award I completed and filled out based on the estimate Traveler's appraiser and I agreed to. The award was based on Exhibit B. This award was never executed since Travelers advised their appraiser not to sign it.
- e. Exhibit C is a list of depositions I have completed in the last 4 years as either an expert witness or fact witness.

II. Qualifications

I have been a licensed Public Adjuster and owned/operated a public adjusting firm for the last 6 years (2013-present). Prior to starting Miller Public Adjusters, I owned a construction/general contracting company for approximately 9 years(2004-2013). As a contractor, I am experienced in building residential homes, remodels, additions, as well as water and hail restoration. My

Miller Public Adjusters, LLC
518 S. Westland Drive Street Appleton, WI 54914 - 300 N LaSalle, Suite 4925, Chicago, IL 60654

EXHIBIT
1



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building residential homes, remodels, additions, as well as water and hail restoration. My construction company had in-house employees who worked all trades other than mechanical. I supervised crews, project managed commercial and residential jobs, estimated and scoped damages, as well as maintained the day to day operations of the business. My construction experience provides a broad base of knowledge and appreciation to evaluate building and dwelling components and determine the proper means and methods to repair or replace the damaged materials.

As a Licensed Public Adjuster I have been involved in evaluating damages, determining coverage and causation, preparing scope of losses, reviewing expert and engineer reports, as well as personally valuing the loss and damage caused by a covered peril. I have worked in the capacity of a public adjuster, insurance appraiser, and loss consultant. My expertise includes understanding how to document and value damages using Xactimate estimating software. I have prepared more than 400 Xactimate estimates on various claims in the last 13 years.

III. Basis for Opinions and Methodology, Data and Other Information Considered

The basis for my opinions includes my combined background, training, and approximately 13 years of experience in construction, general contracting services, public adjusting, and use of the Xactimate estimating software, as well as the following:

1. I have personally inspected the dwelling and garage and evaluated their current condition.
2. The estimated repair and replacement work as a result of the hail-related damage to the dwelling and garage is in accordance with Exhibit A. The estimate is based on the readily apparent hail related to the loss that was agreed upon between myself and the Traveler's appraiser.
3. The dwelling estimate was priced out using Replacement Cost Value ("RCV") and applied applicable depreciation based on a percentage the other appraiser and I agreed to during our field inspection. The percentage was generally based on the overall condition of the house and garage when I inspected them.
4. In preparing this Report I have reviewed the Travelers estimates as well as the support and documentation from the insured including but not limited to: Invoices to repair or replace the air conditioning unit, antenna, doors and screens, gutters, clothesline poles, fascia, fire ring, furnace roof vent cap, pergola, wind spinners, and other damaged property that had estimates or invoices. These are all types of data and information customarily relied upon in the property insurance industry in determining the replacement cost and actual cash value of a loss.



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5. Miller Public Adjusters uses Xactimate estimating software for pricing, which is the industry standard for determining the repair/replacement costs of damaged/destroyed property. This is the same estimating program used by Travelers to estimate the cost of repairing/replacing the dwelling. I generated and utilized the price list based on the date of loss of the event, along with the zip code of the dwelling. Xactimate is an insurance industry standard software for estimating and valuing damages and our company uses it in a regular course of business. Xactimate is a software program used to estimate the cost of repairs and reconstruction for both residential and commercial structures. Xactimate publishes structural repair and cleaning price lists for 460 separate economical and geographical areas and releases updates at least once per quarter, and contains more than 10,000 unit cost line items. I rely on the Xactimate estimating software program for pricing for repair and replacement costs needed to remedy a property damage loss.
6. The applicable property insurance policy issued by Travelers to Insureds provided for replacement cost benefits. The pricing in my estimate is the estimated cost of repairing/replacing a dwelling using like kind and quality materials, which is the manner in which repair/replacement cost was calculated in the Travelers estimate.
7. The pricing used in my estimate is for the reasonable and necessary costs that will likely be incurred in repairing/replacing the hail-related damage to the dwelling using like kind and quality materials, as well as the associated labor costs for repair/replacement.
8. My estimate includes an additional 20% of the estimated replacement cost for general contractor overhead and profit. In the property insurance industry, it is both reasonable and customary to include an additional 20% of the estimated replacement cost for the costs to be incurred by



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building codes; Geomni Roof and Siding Dimensions; any estimate prepared by the insurance company; and the Xactimate property damage estimating software program.

A handwritten signature in dark ink, appearing to read "David F. Miller", is written over a horizontal line.

David F. Miller

MINER & EAST LLC

1400 Jeffrey Drive
Addison, IL 60101

Ph. 630 495 4411
Fax 630 495 4542

Client: BEER RESIDENCE - MINER & EAST REPAIR
ESTIMATE
Property: 610 10TH. STREET
FENNIMORE, WI 53809

Operator: SPSCHICA

Estimator: Herb Virella
Company: Miner & East LLC
Business: 1400 Jeffrey Drive
Addison, IL 60101

Business: (630) 297-9070
E-mail: hvirella@minereast.com

Type of Estimate: Hail
Date Entered: 8/5/2018 Date Assigned:

Price List: WIMA8X_APR17
Labor Efficiency: Restoration/Service/Remodel
Estimate: BEER_APPRAISAL

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BEER_APPRAISAL

ROOFING - RESIDENCE & GARAGE

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
SITE PREP:							
1. Roofing - General Laborer - per hour - set-up and take down*	21.00 HR	47.25	0.00	198.46	1,190.71	(0.00)	1,190.71
Staging and manipulation of roofing materials - (2 men, 8 hrs.)							
Staging of exterior wall/window protection - tarping - (3 men, 1 hour per elevation-5 each)							
2. Material Only Tarp material allowance	2.00 EA	129.00	14.19	54.44	326.63	(0.00)	326.63
3. Two ladders with jacks and plank (per week)	1.00 WK	322.00	0.00	64.40	386.40	(0.00)	386.40
ROOFING DEMO:							
4. Remove 3 tab - 20 yr. - composition shingle roofing - incl. felt	23.59 SQ	55.70	0.00	262.80	1,576.76	(0.00)	1,576.76
ROOFING REPLACEMENT:							
5. Ice & water barrier*	1,006.50 SF	1.58	16.61	321.38	1,928.26	(289.23)	1,639.03
At eaves and valleys - eaves = 285 lf. + valleys 10 lf. x 2 sides = 20 lf. Total lf. 305 x 3' width of ice & water membrane = 630 sf.							
6. Roofing felt - 15 lb.	35.99 SQ	26.64	13.22	194.40	1,166.39	(174.96)	991.43
7. Drip edge/gutter apron	589.00 LF	2.21	25.27	265.40	1,592.36	(238.84)	1,353.52
At eaves and rakes = 285 lf. + 304 lf. = 589							
8. Asphalt starter - universal starter course	285.00 LF	1.97	9.25	114.16	684.86	(102.73)	582.13
At eaves							
9. Laminated - Premium grd - impact resist shingle - w/o felt	45.25 SQ	265.71	383.09	2,481.30	14,887.77	(2,233.17)	12,654.60
With 15% waste factor							
10. Ridge cap - venting ridge cap shingles	111.00 LF	8.77	25.40	199.78	1,198.65	(419.52)	779.13
At ridge							
ROOF ACCESSORIES:							
11. R&R Chimney flashing - average (32" x 36")	1.00 EA	373.07	4.12	75.44	452.63	(64.61)	388.02
12. R&R Flashing - pipe jack	2.00 EA	44.25	0.96	17.90	107.36	(13.65)	93.71
13. R&R Gutter / downspout - aluminum - 6"	250.00 LF	8.62	64.76	443.96	2,663.72	(382.02)	2,281.70
At main entry canopy and rear entry service doors.							
14. R&R Fascia - metal - 8"	68.00 LF	4.87	6.28	67.50	404.94	(57.44)	347.50
MISC. ITEMS:							
15. Roofing - General Laborer - per hour	16.00 HR	47.25	0.00	151.20	907.20	(136.08)	771.12
Hauling debris and final cleanup - (1 man, 2 days)							
16. Dumpster load - Approx. 40 yards, 7-8 tons of debris	1.00 EA	677.89	0.00	135.58	813.47	(0.00)	813.47
Totals: ROOFING - RESIDENCE & GARAGE			563.15	5,048.10	30,288.11	4,112.25	26,175.86

MINER & EAST LLC

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SIDING & EXTERIOR PAINTING

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
RESIDENCE:							
17. Remove House wrap (air/moisture barrier)	795.00 SF	0.04	0.00	6.36	38.16	(0.00)	38.16
18. House wrap (air/moisture barrier)	874.50 SF	0.32	7.70	57.50	345.04	(0.00)	345.04
19. Remove Siding - cedar shingle	795.00 SF	0.48	0.00	76.32	457.92	(0.00)	457.92
East elevation							
20. Siding - cedar shingle	874.50 SF	8.45	162.57	1,510.42	9,062.52	(2,265.62)	6,796.90
Two sides of house							
21. Clean with pressure/chemical spray	2,050.50 SF	0.26	36.39	106.84	676.36	(0.00)	676.36
Two sides							
22. Seal & paint wood siding	2,050.50 SF	1.67	42.86	693.44	4,160.64	(1,040.17)	3,120.47
Four sides							
23. Two ladders with jacks and plank (per week)	2.00 WK	322.00	0.00	128.80	772.80	(0.00)	772.80
FRONT PORCH:							
24. Prep and painting of trellis and front porch flooring.	48.00 HR	25.00	0.00	0.00	1,200.00	(0.00)	1,200.00
25. Material Only Paint material allowance	1.00 EA	250.00	0.00	0.00	250.00	(0.00)	250.00
GARAGE:							
26. Remove House wrap (air/moisture barrier)	585.67 SF	0.04	0.00	4.68	28.11	(0.00)	28.11
27. House wrap (air/moisture barrier)	644.24 SF	0.32	5.67	42.38	254.21	(0.00)	254.21
28. Remove Siding - cedar shingle	585.67 SF	0.48	0.00	56.22	337.34	(0.00)	337.34
29. Siding - cedar shingle	644.23 SF	8.45	119.76	1,112.70	6,676.20	(1,669.06)	5,007.14
30. Clean siding - wood	585.67 SF	0.27	10.77	31.68	200.58	(0.00)	200.58
PERGOLA:							
31. Prep, clean and finish pergola per Granville Whitewashing and painting services	1.00 EA	497.00	11.21	101.64	609.85	(0.00)	609.85
MISC. ITMES							
32. Cleaning Technician - per hour	8.00 HR	30.61	16.16	48.98	310.02	(0.00)	310.02
Site cleaning							
33. Single axle dump truck - per load - including dump fees	1.00 EA	251.03	0.00	50.20	301.23	(0.00)	301.23
Totals: SIDING & EXTERIOR PAINTING			413.09	4,028.16	25,680.98	4,974.85	20,706.13

HVAC

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
34. HVAC Technician - per hour	1.00 HR	99.97	0.00	20.00	119.97	(23.99)	95.98

BEER_APPRAISAL

8/7/2018

Page: 3

MINER & EAST LLC

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CONTINUED - HVAC

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
35. R&R Central air conditioning system - 2 ton - up to 13 SEER	1.00 EA	2,442.08	83.91	505.20	3,031.19	(580.17)	2,451.02
36. R&R Coil - 2 ton - cased	1.00 EA	617.25	19.58	127.36	764.19	(142.17)	622.02
37. Refrigerant lineset - 3/8" x 3/4" tubing - up to 30'	1.00 EA	309.81	9.02	63.76	382.59	(76.52)	306.07
38. Condensate drain line	1.00 EA	48.44	0.22	9.72	58.38	(11.67)	46.71
39. Central air cond. system - recharge - 5lb refrigerant	1.00 EA	154.58	4.54	31.82	190.94	(38.19)	152.75
Totals: HVAC			117.27	757.86	4,547.26	872.71	3,674.55

DOORS

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
RESIDENCE DOORS:							
40. Replacement of patio storm panels/windows and re-screen 11 windows - Per Dubuque Glass Co. quote dated 10/5/2017	1.00 EA	4,632.80	0.00	926.56	5,559.36	(1,111.88)	4,447.48
41. Painter - per hour - disassemble, refurbish, and paint Bilco cellar doors *	25.00 HR	25.00	0.00	0.00	625.00	(0.00)	625.00
42. Material Only Paint material allowance for two part epoxy paint	1.00 EA	300.00	0.00	0.00	300.00	(0.00)	300.00
GARAGE DOORS:							
43. R&R Overhead door & hardware - 10' x 7' - Premium grade	2.00 EA	1,114.66	92.95	464.46	2,786.73	(396.85)	2,389.88
44. R&R Exterior door - insulated metal with 9 lite - High grade*	1.00 EA	514.32	14.60	105.78	634.70	(83.73)	550.97
45. R&R Trim board - 1" x 4" - installed (pine)	40.00 LF	3.05	2.71	24.94	149.65	(20.21)	129.44
46. R&R Trim board - 1" x 2" - installed (pine)	40.00 LF	2.38	1.61	19.36	116.17	(15.40)	100.77
47. Door lockset - Detach & reset	1.00 EA	17.38	0.00	3.48	20.86	(0.00)	20.86
48. Paint door slab only - 2 coats (per side)	2.00 EA	23.39	0.70	9.50	56.98	(0.00)	56.98
49. Seal/stain door opening (per side)*	1.00 EA	19.52	0.23	3.94	23.69	(0.00)	23.69
50. Paint door opening - 2 coats (per side)*	1.00 EA	19.15	0.21	3.88	23.24	(0.00)	23.24
Totals: DOORS			113.01	1,561.90	10,296.38	1,628.07	8,668.31

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SPECIALTY ITEMS

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
51. Television antenna repairs per Chamberlain Electric - work 100% complete	1.00 EA	727.74	0.00	0.00	727.74	(0.00)	727.74
52. Chamberlain Electric service charge to asses damages to antenna	1.00 EA	79.13	0.00	0.00	79.13	(0.00)	79.13
53. Radio Shack service charge to asses damages to antenna and provided repair bid	1.00 EA	105.50	0.00	0.00	105.50	(0.00)	105.50
Totals: SPECIALTY ITEMS			0.00	0.00	912.37	0.00	912.37

Labor Minimums Applied

DESCRIPTION	QUANTITY	UNIT PRICE	TAX	O&P	RCV	DEPREC.	ACV
54. Finish carpentry labor minimum	1.00 EA	20.66	0.00	4.14	24.80	(0.00)	24.80
55. Finish hardware labor minimum	1.00 EA	101.43	0.00	20.28	121.71	(0.00)	121.71
56. Door labor minimum	1.00 EA	66.03	0.00	13.20	79.23	(0.00)	79.23
Totals: Labor Minimums Applied			0.00	37.62	225.74	0.00	225.74
Line Item Totals: BEER_APPRAISAL			1,206.52	11,433.64	71,950.84	11,587.88	60,362.96

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Recap by Room

Estimate: BEER_APPRAISAL

ROOFING - RESIDENCE & GARAGE	24,676.86	41.61%
SIDING & EXTERIOR PAINTING	21,239.73	35.81%
HVAC	3,672.13	6.19%
DOORS	8,621.47	14.54%
SPECIALTY ITEMS	912.37	1.54%
Labor Minimums Applied	188.12	0.32%
<hr/>		
Subtotal of Areas	59,310.68	100.00%
<hr/>		
Total	59,310.68	100.00%

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Recap by Category with Depreciation

O&P Items	RCV	Deprec.	ACV
CLEANING	936.14		936.14
GENERAL DEMOLITION	3,466.55		3,466.55
DOORS	7,261.15	1,310.91	5,950.24
HEAVY EQUIPMENT	258.00		258.00
FINISH CARPENTRY / TRIMWORK	214.26	29.04	185.22
FINISH HARDWARE	118.81		118.81
HEAT, VENT & AIR CONDITIONING	3,519.01	703.80	2,815.21
PAINTING	4,006.79	856.09	3,150.70
ROOFING	19,587.03	2,983.91	16,603.12
SCAFFOLDING	966.00		966.00
SIDING	13,319.27	3,208.32	10,110.95
SOFFIT, FASCIA, & GUTTER	2,370.30	355.55	2,014.75
O&P Items Subtotal	56,023.31	9,447.62	46,575.69
Non-O&P Items	RCV	Deprec.	ACV
ELECTRICAL	912.37		912.37
PAINTING	2,375.00		2,375.00
Non-O&P Items Subtotal	3,287.37	0.00	3,287.37
O&P Items Subtotal	56,023.31	9,447.62	46,575.69
Material Sales Tax	1,143.20	208.94	934.26
Services Mat'l Tax	1.45		1.45
Overhead	5,716.82	965.66	4,751.16
Profit	5,716.82	965.66	4,751.16
Service Sales Tax	61.87		61.87
Total	71,950.84	11,587.88	60,362.96

APPRAISAL AWARD

Insured: Larry Bear
 Claim No: LA 56442001H
 Date of Loss: 3-23-17
 Loss Location: 610 10th St Fennimore, WI 53809

Item #	Description	Replacement Cost	Actual Cash Value
1	Hail Damage to House & Garage	71,950.84	60,362.96
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
TOTALS:		71,950.84	60,362.96

We, the undersigned, certify that we have truly, conscientiously and impartially performed the duties assigned to us, and have appraised and determined and hereby award the following:

Actual Cash Value	60,362.96
Replacement Cost	71,950.84

David Miller - David Miller 8-30-18
 Appraiser

Appraiser

Umpire

***Any payments already issued by Insurance Carrier will be deducted from final amounts.

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